

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to aviation vertical infrastructure and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 700, “Aeronautics Administration,” Chapter 710, “Airport Improvement Program,” Chapter 715, “Air Service Development Program,” Chapter 716, “Commercial Service Vertical Infrastructure Program,” and Chapter 717, “General Aviation Vertical Infrastructure Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 328.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 8.57(5), 17A.3 and 328.12.

Purpose and Summary

The Department is proposing to correct the spelling of “website” and the link to the Department’s website address in Chapters 700, 710, 715, 716, and 717. The Department is also proposing to amend Chapters 716 and 717 to correct citations to Iowa Code section 8.57(5) since this section was amended and renumbered. These corrections are included within the definition of “vertical infrastructure” in rules 761—716.2(328) and 761—717.2(328) and within both chapters’ implementation sentences.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 15, 2018. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

May 17, 2018
1 p.m.

Department of Transportation
Administration Building
First Floor, South Conference Room
800 Lincoln Way
Ames, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—700.2(17A) as follows:

761—700.2(17A) Information and forms. Program information, forms and application instructions are available on the department's ~~Web site~~ website at ~~www.iowadot.gov/aviation~~ www.iowadot.gov. Requests for such materials or assistance may also be made by calling the office of aviation at (515)239-1048. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 2. Amend rule 761—710.3(17A) as follows:

761—710.3(17A) Information and forms. Program information, forms and application instructions are available on the department's ~~Web site~~ website at ~~www.iowadot.gov/aviation~~ www.iowadot.gov. Requests for such materials or assistance may also be made by calling the office of aviation at (515)239-1048. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 3. Amend subrule 715.3(3) as follows:

715.3(3) Program information, instructions and application forms may be obtained from the department's ~~Web site~~ website at ~~www.iowadot.gov/aviation~~ www.iowadot.gov. Requests for such materials or assistance may also be made by calling the office of aviation at (515)239-1689. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

ITEM 4. Amend rule **761—716.2(328)**, definition of “Vertical infrastructure,” as follows:
“*Vertical infrastructure*” means the same as defined in Iowa Code section ~~8.57B~~ 8.57(5).

ITEM 5. Amend rule 761—716.3(328) as follows:

761—716.3(328) Information and forms. Program information, instructions, and forms are available on the department’s ~~Web site~~ website at ~~www.iowadot.gov/aviation~~ www.iowadot.gov. Requests for such materials or assistance may also be made by calling the office of aviation at (515)239-1048. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

ITEM 6. Amend **761—Chapter 716**, implementation sentence, as follows:
These rules are intended to implement Iowa Code sections ~~8.57B~~ 8.57(5) and 328.12.

ITEM 7. Amend rule **761—717.2(328)**, definition of “Vertical infrastructure,” as follows:
“*Vertical infrastructure*” means the same as defined in Iowa Code section ~~8.57B~~ 8.57(5).

ITEM 8. Amend rule 761—717.3(328) as follows:

761—717.3(328) Information and forms. Program information, instructions, and application forms may be obtained from the department’s ~~Web site~~ website at ~~www.iowadot.gov/aviation~~ www.iowadot.gov. Requests for such materials or assistance may also be made by calling the office of aviation at (515)239-1048. Submission of application materials shall be made according to the annual application instructions included in the application materials. The office of aviation mailing address is: Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

ITEM 9. Amend **761—Chapter 717**, implementation sentence, as follows:
These rules are intended to implement Iowa Code sections ~~8.57B~~ 8.57(5) and 328.12.